Supreme Court, U.S.
FILED

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No.

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

ROBERT E. MEADE,

Petitioner,

v.

DECISIONS OF THE ORPHANS' COURT FOR
ANNE ARUNDEL COUNTY, et al.

Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS OF MARYLAND

PETITION FOR WRIT OF CERTIORARI

ROBERT E. MEADE
P.O. Box 2260
Landover Hills, Maryland 20784
(202) 468-1823

27 pp

QUESTIONS PRESENTED

Whether the lack of jurisdiction by orphans' courts makes the judgments issued by these courts totally void?

Whether the Court of Appeals of Maryland erred in not recognizing that the Orphans' Court of Maryland for Anne Arundel County has failed to abide by testamentary law?

Whether the Court of Appeals of Maryland abused its discretion in not granting a Petition for a Writ of Certiorari where the Petitioner clearly presented an issue of public interest just by the fact that the Orphans' Court for Anne Arundel County ordered excessive attorneys' fees and then ordered a higher percentage fee of ninety per cent (90%) to be paid by the Petitioner?

PARTIES TO THE PROCEEDING

The parties to the proceeding below are the Petitioner, Robert E. Meade, and the Respondents, Patricia A. Miller, Esquire, Successor Personal Representative of the estate of Helen V. Meade, and her attorney, Walter S. B. Childs, Roger K. Meade, and his attorney, Joel L. Katz. Walter S. B. Childs, Esquire, represents all of the Respondents.

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PETITION FOR WRIT OF CERTIORARI

The Petitioner, Robert E. Meade, respectfully requests that a writ of certiorari be issued to review the Orders of the Court of Appeals of Maryland.

OPINIONS BELOW

The Petitioner, Robert E. Meade, filed direct appeals and stays of the decisions, judgments, and orders of the Orphans' Court of Maryland for Anne Arundel County to the Court of Appeals of Maryland. A Directive From the Court by the Orphans' Court dated November 12, 2002 (App. C), Order of Court by the Orphans' Court dated November 12, 2002 (App. D), and an Order (For Imposition Of Lien) by the Orphans' Court dated November 19, 2002 (App. E) were all filed as an appeal by Petition for Writ of Certiorari, Petition No. 601, to the Court of Appeals of Maryland. The Court of Appeals of Maryland issued an Order denying the Petition for Writ of Certiorari, Petition No. 601, on February 14, 2003. (App. B) The Court of Appeals of Maryland issued an Order denying the Motion For Reconsideration of the Petition, Petition No. 601, on May 9, 2003. (App. A)

JURISDICTION

The Order of the Court of Appeals of Maryland denying the Motion For Reconsideration was issued on May 9, 2003. The Order of the Court of Appeals of Maryland denying the Petition, Petition No. 601, was issued on February 14, 2003. The jurisdiction of the United States Supreme Court to review these Orders is invoked under 28 U.S.C. § 1257(a).

STATEMENT OF THE CASE

Helen V. Meade died from injuries sustained in a horrible automobile accident on December 13, 1999. She left a last will and testament. Helen V. Meade was well aware of her assets and accordingly listed the assets and divided them equally between her two sons, one being the Petitioner and the other Roger K. Meade. The Petitioner has tried to preserve his mother's last will and testament since it specifies her wishes and, like any other testatrix, expected that her last wishes would be carried out by the executors. The Petitioner went beyond what a son should or could do for his mother to preserve her last will and testament since her last will and testament meant a lot to his mother and she signed it approximately one month before her tragic death. The Petitioner has had a lot of resistance from Roger K. Meade, the executors, attorneys, as well as the Orphans' Court of Maryland for Anne Arundel County.

Roger K. Meade, the other heir, has resisted the abidance of the last will and testament of Helen V. Meade where the last will and testament specifies that her estate is to be equally divided between her two sons. This has caused Roger K. Meade to resist the last will and testament of Helen V. Meade and pursue taking more than half of the estate. The method by which Roger K. Meade has sought to take more of the estate for himself is by hiring an attorney, Joel L. Katz, to demean, defraud, harass, intimidate, injure not only the Petitioner but his witnesses. One witness had to hire an attorney to protect herself from the actions of Joel L. Katz. As her attorney wrote "Joel L. Katz has broken our own rules of ethics".

Joel L. Katz, Esquire, pursued his unethical practices by proposing a Successor Personal Representative, Patricia A. Miller, Esquire, that would pursue his and his client's interests in securing the bulk of the estate. Patricia A. Miller, Esquire, was appointed by the Orphans' Court of Maryland for Anne Arundel County as both Successor Personal Representative and attorney of the estate. The Petitioner

appealed her appointment, and it is still on appeal. Patricia A. Miller, Esquire, has been acting without authority and has been rightfully accused by the Petitioner of defrauding the estate.

Unable and inexperienced in handling all legal matters of the estate, the Orphans' Court of Maryland for Anne Arundel County assisted Patricia A. Miller, Esquire, in hiring Walter S. B. Childs, Esquire, who the Court was very familiar with since the Court had appointed him as Successor Personal Representative in previous estate cases. Walter S. B. Childs, Esquire, was hired to assist Patricia A. Miller, Esquire, with the legal matters of the estate, etc. Walter S. B. Childs, Esquire, like Patricia A. Miller, Esquire, have assisted the other heir, Roger K. Meade, and his attorney, Joel L. Katz, in trying to rewrite the last will and testament for their own enrichment and not abide by the wishes of Helen V. Meade, the decedent. In their attempts to defraud the Petitioner of his share of the estate, Walter S. B. Childs, Esquire, sought out the assistance of both the Orphans' Court and Circuit Court of Maryland for Anne Arundel County by ex parte communications.

The Orphans' Court of Maryland for Anne Arundel County, due to ex parte communications with Walter S. B. Childs, Esquire, continued to hold hearings, although the Court lacked jurisdiction because the Petitioner had appealed all of their Orders. The Orphans' Court showed and demonstrated bias toward all the Respondents and prejudice against the Petitioner and this was clearly evident in the very prejudicial Orders that the Orphans' Court issued for the Respondents and against the Petitioner. The Orphans' Court, in an unprecedented manner, awarded outrageous attorney fees and then prejudicially ruled that the attorney fees would be paid 90% by the Petitioner. To this day the Orphans' Court continues to act like no other orphans' court in the United States. The Orphans' Court refuses to allow the last will and testament of Helen V. Meade to stand and instead is allowing Walter S. B. Childs, Esquire, and the rest of the

Respondents to rewrite the last will and testament of Helen V. Meade.

REASONS FOR GRANTING THE PETITION

The Petitioner files his Petition to the Supreme Court of the United States within the required ninety (90) days and his case presents an issue which is appropriate for review by this Court.

The Supreme Court has jurisdiction to issue a writ of certiorari in this matter. The Petitioner's case is a case involving constitutional principles. Therefore, review by this Court is appropriate under 28 U.S.C. § 1257 (a) that allows this Court to review "{f}inal judgments or decrees rendered by the highest court of the State in which a decision could be had...where any title, right, privilege, or immunity is specially set up or claimed under the Constitution".

The Orphans' Court of Maryland for Anne Arundel County has proceeded in a manner unlike any other probate court. The Supreme Court should review the Petitioner's case in light of the structural and procedural errors of the Orphans' Court of Maryland for Anne Arundel County. The Supreme Court stated in Mullane v. Central Hanover Bank & Trust Co, 339 U.S. 306, 70 S. Ct. 652, 94 L. Ed 865

> "[D]ue process requires that a State provide notice reasonably calculated, under all the circumstances, to appraise interested parties of the pendency of the action and offer them the opportunity to present their objections. U.S.C.A. Const Amend 14 In estate matters, the Court of Special Appeals cited the case, Durham v. Walters, 59 Md. App 1, 474 A. 2d 523 (1984)".

The Orphans' Court of Maryland for Anne Arundel County abused its discretion from the very beginning where it clearly demonstrated an abuse of power. The Orphans' Court appointed a Successor Personal Representative. Patricia A. Miller, Esquire, and assisted her in hiring an

attorney, Walter S. B. Childs, Esquire, who the Court had previously appointed as Successor Personal Representative in previous estate cases, and therefore, the Court was very familiar with Walter S. B. Childs, Esquire. The Court refused to abide to testamentary law that requires an orphans' court to follow a list of potential executors that were closest to the testatrix. Instead, the Court chose Patricia A. Miller, Esquire, as Successor Personal Representative. The testatrix was one sibling of a very large family and, therefore, any one of the other siblings could have been chosen by the Court. Instead, without holding a hearing, the Orphans' Court chose Patricia A. Miller, Esquire, a stranger to the testatrix. The Court's motive was due to the Court's familiarity with the attorney, Walter S. B. Childs, Esquire, and the strong prejudice the Court had against the Petitioner. This resulted in the Court depriving the Petitioner of his share of the estate.

The Orphans' Court of Maryland for Anne Arundel County has issued Orders that are shocking because of the amounts of money awarded to the Respondents by the Court. In providing the Respondents with unheard of amounts of attorneys' fees, the Orphans' Court went way beyond its jurisdiction to appease the Respondents. Research clearly indicates that this Orphans' Court for Anne Arundel County has greatly compensated its appointees of the estates, which have been opened in this Court. In developing the plan to deliver all the monies to the Respondents, the Orphans' Court then assisted in the appointment of another attorney, Walter S. B. Childs, Esquire, to assist Patricia A. Miller, Esquire, because of her lack of experience as a Successor Personal Representative and her incompetence in estate law. The Successor Personal Representative, Patricia A. Miller, Esquire, and her attorney, Walter S. B. Childs, Esquire, devised a plan to oust the Petitioner from being heard in any matters of the estate and thus allow them to proceed in enriching themselves with the estate monies. By awarding unprecedented attorneys' fees, the Orphans' Court for Anne Arundel County has depleted the estate.

The Orphans' Court of Maryland for Anne Arundel County has never provided the Petitioner with a fair and just hearing.. "The right to be heard before being condemned to suffer grievous loss of any kind, even though it may not involve the stigma and hardships of a criminal conviction, is a principle basis to our society" Joint Anti-Fascist Com. v. McGrath, 341 U.S. 123, 168 (1951) The Orphans' Court denied the Petitioner his right and opportunity to be heard and to present his case. The Due Process Clause of the 14th Amendment to the United States Constitution has been reviewed by this Honorable Court in numerous cases. The Court should hold as it held in Truax v. Corrigan, 257 U.S. 312, 42 S. Ct. 124 (1921):

> "The due process clause requires that every man shall have the protection of this day in court, and the benefit of the general law, a law which hears before it condemns, which proceeds not arbitrarily or capriciously, but upon injury, and renders a judgment only after trial, so that every citizen shall hold his life, liberty, and immunities under the protection of the general rules which govern society".

"It is a fundamental tenet of American law that every individual is entitled to his or her day in court". Martin v. Wilks, 490 U.S. 755, 762 (1989) The Supreme Court, in reviewing this case, should find "Where, as here, a possible due process violation is apparent on the particular facts of a case, we are empowered to consider the due process issue" Wood v. Georgia, 101 S. Ct. 1097 (1981)

The Maryland Code, Article 93 § 271, restricts the powers and authority of the Orphans' Court, clearly stating it "shall not, under pretext of incidental power or constructive authority, exercise any jurisdiction not expressly conferred by law". Throughout this estate case, the Orphans' Court of Maryland for Anne Arundel County has lacked jurisdiction and has issued Orders so as to force a closure of an estate.

"As defined in Maryland Rule 5(a), an "action"

> includes all the steps by which a party seeks to enforce any right in a court of law or equity (emphasis supplied) Proceedings brought in the Orphans' Courts are therefore not "actions" in the strict legal sense of the word. Just as an Orphans' Court may not hear an action against a tort feasor for the decedent's wrongful death, It may not determine a dispute between the estate and a third party over the title to the decedent's personal property. Those proceedings are best left for resolution in a forum designed to hear, and which in fact regularly does hear, these somewhat more intricate questions of law. We observe that there is no requirement in this State that the judges of the Orphans' Court be attorneys"....
> "Indeed, it has long been recognized that as a court of special limited jurisdiction, the Orphans' Court must be confined to the express letter of its authority". DeFelice v. Riggs Nat'l Bank, 55 Md. App. 476, 462 A. 2d 88 (1959)

The Orphans' Court of Maryland for Anne Arundel County has refused to accept the fact that upon the filing of an appeal, the Court is deprived of jurisdiction in the matter and must wait until the conclusion of the appeals. The Petitioner appealed not only the appointment of the Successor Personal Representative, Patricia A. Miller, Esquire, but also appealed the Orders of the Orphans' Court approving her administration accounts. "When the statutes so provide, an appeal from an order of the probate court allowing the account of a personal representative suspends its operation until the appeal is decided". Moyer v. Bray, 227 Mass 303, 116 N.E. 511 (1917)

The Orphans' Court acted without authority in awarding attorneys' fees and as the Court in Elliott v. Peusol's Lessee, 26 U.S. 328, 1 How 328, 7 L. Ed. 164 stated:

> "But if the court acts without authority, its judgments and orders are regarded as nullities. They are not voidable, but

> simply void; and form no bar to a remedy sought in opposition to them, even prior to a reversal. They constitute no justification and all persons concerned in executing such judgments, or sentences, are considered, in law, as trespassers".

The attorneys' fees were not only unwarranted and excessive but they were also undeserving. The attorneys Thomas J. Aversa, Jr., Esquire, Joel L Katz, Esquire, Walter S. B. Childs, Esquire Patricia A. Miller, Esquire have all abused the legal system and the Orphans' Court has allowed it. The Orphans' Court should have removed these attorneys where "An attorney who is guilty of gross malpractice or dishonesty in his profession or of conduct gravely affecting his professional character, will be struck of the roll of attorneys". Exparte Wall, 2 S. Ct. 569, 107 U.S. 265, 17 Otto 265, 27 L. Ed. 552 These attorneys have all worked for themselves and Roger K. Meade. They have all tried to sell the real property of the estate without legal authority to do so since the Petitioner has appealed all the decisions, judgments, and orders issued by the Orphans' Court of Maryland for Anne Arundel County.

Patricia A. Miller, Esquire, Successor Personal Representative, and her attorney, Walter S. B. Childs, Esquire, have attempted to sell more property than necessary. There has never been actual proof presented by the first Personal Representative, Juanita Hundley, nor anyone else to the Orphans' Court of Maryland for Anne Arundel County that the selling of the real property was necessary because of the existence of unpaid debts. In fact, both the Personal Representative, Juanita Hundley, and the Successor Personal Representative, Patricia A. Miller, Esquire, received interest payments on dividends earned and other monies to pay the monthly bills, which did not amount to much since the real property was vacant. The Order of the Orphans' Court to sell the real property was never necessary and the Court nor the Respondents furnished any valid ground for the order of the sale. It is evident that their only

reason to sell the real property was to strip the Petitioner of yet another asset of his mother's estate. The Orphans' Court failed to abide to testamentary law. "In order to pass title to real property a will must be executed in conformity with the laws of the state where the property lies". Robertson v. Pickrells, 3 S. Ct. 407, 109 U. S. 608, 27 L. Ed. 1049 Under Maryland Code, Article 93 § 305, "Before the court can authorize a sale of personal property it is required to determine the necessity of the application for the sale. The petition should therefore allege such facts as well make the necessity to sell apparent". The former Personal Representative and the Successor Personal Representative have attempted to sell more property than necessary:

> "The policy of the law is opposed to the sale of more property of deceased parties, in the hands of executors and administrators, than is necessary to pay debts, and favors a distribution in kind. And in this case no proof was offered to the Court showing that a sale was necessary to pay debts". Evans v. Inglehart, 6 G. & J. 171

The Successor Personal Representative fails to realize that "The law is, that he who intermeddles with property in litigation does it at his peril, and is as conclusively bound by the results of the litigation, whatever they may be, as if he had been a party to it from the outset". Inbe's Lessee v. Harvey, 11 Md. 524

There was no legal basis for the Orphans' Court of Maryland for Anne Arundel County to impose any part of the lawyers' fees since the misconduct of all of these lawyers was clearly evident. In addition, all the lawyers had fraudulent objectives.

The bias for the Respondents and the prejudice against the Petitioner was so evident that the Petitioner was forced to file a Motion for Removal under Maryland Rule 2-505(a), exercising his right to remove his case guaranteed by the Maryland Constitution, Article IV § 8 so as to guarantee impartial administration of justice. The Petitioner presented proof that he cannot have a fair and impartial hearing in

these Courts because of the bias demonstrated by these Courts and the evident prejudice against the Petitioner. Even though the Petitioner presented proof that he cannot receive an impartial hearing, the Courts unjustly denied his Motion for Removal and refused to order the removal of his case.

> "The appellant having filed his suggestion in the manner and form described by the Constitution and Acts of Assembly, the court erred in refusing to order the removal, and the subsequent proceedings were "coram non judice" "That the provisions of Art 10 of the Constitution, upon the filing of the appellant's suggestion for removal, the court below was deprived of all jurisdiction over the suit, except the power to designate to which adjoining county it should be removed; and that judgment subsequently rendered by the court, being without lawful authority must be reversed". Griffin v. Leslie, 20 Md. 15

The Supreme Court must evaluate the role of the lower courts in the Petitioner's estate case and decide some important issues. Can we let the courts take away our rights to be heard? Does a probate court have the authority to award excessive attorneys' fees? Does a probate court have the authority to set percentages of attorneys' fees where one heir, who opposes the Successor Personal Representative and her attorney, is forced by the court to pay 90% of the attorneys' fees while the other heir is only required to pay 10% of the attorneys' fees? Does a probate court have discretion to appoint two attorneys to enforce an administration of an estate on its own terms? There is grave injustice in the actions of the Orphans' Court and the Circuit Court of Maryland for Anne Arundel County. The courts main procedural function is to guarantee a "fair trial", not to bar the Petitioner from being heard and presenting his case with the intent of dismissing his case or closing the estate. The public interest is to see that the court system is not persuaded by either party in a litigation. "Where a question

was important and recurring, Supreme Court would grant certiorari to resolve it". Glus v. Brooklyn Eastern Dist. Terminal, 79 S Ct. 760, 359 U.S. 231, 3 L. Ed. 2d 770

The Petitioner is asking the Supreme Court of the United States to review the denial of his constitutional rights by the Orphans' Court of Maryland for Anne Arundel County and the failure of the Court to protect the interest of all concerned and not just the attorneys of the estate. These injustices can only be corrected by the Supreme Court of the United States.

Throughout this estate case, the basic question is whether the Orphans' Court for Anne Arundel County had jurisdiction to determine all that it has done or whether all the issues before the Orphans' Court of Maryland for Anne Arundel County needed to be litigated in a court of equity.

CONCLUSION

For all the foregoing reasons, this Petition for Writ of Certiorari should be granted to the Petitioner and a Writ of Certiorari should be issued to the Petitioner.

Respectfully submitted,

Robert E. Meade
P.O. Box 2260
Landover Hills, Maryland 20784
(202) 468-1823

APPENDIX

ROBERT E. MEADE	*	IN THE
		COURT OF APPEALS
v.	*	
		OF MARYLAND
DECISIONS OF THE ORPHANS' COURT FOR ANNE ARUNDEL COUNTY et al.	*	Petition Docket No. 601 September Term, 2002
	*	
	*	(No. 45063 Orphans' Court for Anne Arundel County)

O R D E R

The Court having considered the motion for reconsideration filed, in the above entitled case, it is

ORDERED, by the Court of Appeals of Maryland, that the motion be, and it is hereby, denied.

/s/ Robert M. Bell
Chief Judge

DATE: May 9, 2003

ROBERT E. MEADE	*	IN THE
		COURT OF APPEALS
v.	*	
		OF MARYLAND
DECISIONS OF THE ORPHANS' COURT FOR ANNE ARUNDEL COUNTY et al.	*	Petition Docket No. 601 September Term, 2002
	*	
	*	(No. 45063, Orphans' Court for Anne Arundel County)

O R D E R

Upon consideration of the petition for a writ of certiorari to the Orphans' Court for Anne Arundel County filed in the above entitled case, it is

ORDERED, by the Court of Appeals of Maryland, that the petition be, and it is hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.

/s/ Robert M. Bell
Chief Judge

DATE: February 14, 2003

C

IN THE MATTER OF	*	IN THE ORPHANS'
THE ESTATE OF	*	COURT FOR ANNE
HELEN V. MEADE,	*	ARUNDEL COUNTY
Deceased #45063	*	November 12, 2002

* * * * * * * * *

DIRECTIVE FROM THE COURT

A Hearing was held Tuesday, November 12, 2002 on the Estate of Helen V. Meade, #45063 regarding Motion for Assessment of Attorney's Fees filed by Joel L Katz, Esquire for Roger K. Meade, petitioner; Answer to Motion for Assessment of Attorney's Fees filed by Thomas J. Aversa, Jr., Esquire and Motion of Joel L. Katz, L. L. C. and of Roger K. Meade for Imposition of Lien Against Robert E. Meade filed by Joel L. Katz, Esquire for Joel L. Katz, L.L.C. and Roger K. Meade.

Appearing was Walter S. B. Childs, Esquire; Patricia A. Miller, Esquire; and Bernard T. Levin, Esquire for Joel L Katz, Esquire.

Motion for Assessment of Attorney's Fees filed by Joel L. Katz, Esquire for Roger K. Meade was agreed upon by all parties present and approved by this Court.

The Motion of Joel L. Katz, L.L.C. and of Roger K. Meade for Imposition of Lien Against Robert E. Meade will be reviewed by the Court and a decision will be determined as soon as possible.

Notify all parties.

/s/ C.J.

/s/ A.J.

/s/ A.J.

TRUE COPY TEST
/S/
REGISTER OF WILLS
FOR ANNE ARUNDEL CO.

D

IN THE MATTER OF	* IN THE
THE ESTATE OF	* ORPHANS' COURT
HELEN V. MEADE	* FOR
	* ANNE ARUNDEL COUNTY
	* ESTATE NO. 45063

* * * * * * * * *

ORDER OF COURT

The Motion for Assessment of Attorney's Fees filed by Roger K. Meade and any Answers thereto having been read and duly considered, it is this 12th day of November, 2002, by the Orphans' Court for Anne Arundel County,

ORDERED: That the Estate of Helen V. Meade pay unto Thomas J. Aversa, Jr., the sum of $10,400.00, per this Court's Order dated June 11, 2002; and it is further

ORDERED: That the Estate of Helen V. Meade pay unto Walter S. B. Childs, the sum of $42,411.78, per this Court's Order dated August 6, 2002; and it is further

ORDERED: That ninety (90%) percent of these fees be assessed against Robert E. Meade's share of the Estate of

Helen V. Meade.

_____/s/_____

_____/s/_____

_____/s/_____

Judges

E

IN THE MATTER OF	*	IN THE
THE ESTATE OF	*	ORPHANS' COURT
HELEN V. MEADE,	*	FOR ANNE ARUNDEL
DECEASED	*	COUNTY CASE NO. 45063

* * * * * * * * *

ORDER

Upon consideration of the Motion of Roger K. Meade and Joel L. Katz, L.L.C. For Imposition of Lien Against Robert E. Meade, and of the record herein, it is, by the Court, this 19th day of November 2002,

ORDERED, that a lien is imposed against Robert E. Meade in favor of Roger K. Meade in the sum of $788.46, and that a lien is hereby imposed against Robert E. Meade in favor of Joel L. Katz, L.L.C. in the sum of $13,992.00, representing the total sums of sanctions imposed against Robert E. Meade in the Estate of Helen V. Meade, Deceased, by the Court.

/s/

/s/

/s/
Judges

JOEL L. KATZ, L.L.C. • ATTORNEYS AT LAW
2060 WEST STREET • ANNAPOLIS, MARYLAND 21401
(410) 841-5333 • (301) 261-8858